



January 27, 2006

## SENATE BILL No. 1

DIGEST OF SB 1 (Updated January 25, 2006 6:37 pm - DI 87)

**Citations Affected:** IC 15-3; IC 15-5; IC 32-26; IC 34-30; IC 36-2; IC 36-3; IC 36-4; IC 36-6; IC 36-8; IC 36-10; noncode.

**Synopsis:** Marion County government matters. Provides that the Marion County auditor (rather than the Indianapolis city controller) must record certain information concerning warrants issued by the auditor. Provides that the signature of the Marion County auditor may not be signed on, imprinted on, or affixed to a warrant for the payment of county or city funds without the approval of the auditor. Specifies that the Marion County auditor may take certain actions assigned by law to the auditor without the approval of the Indianapolis city controller. Specifies that the Marion County auditor is responsible for payroll functions and duties for all city and county departments, offices, and agencies, and the Indianapolis city controller may not perform these functions and duties, except as requested by the auditor. Provides that each elected county officer is responsible for establishing the human resources policies and personnel policies that apply to employees of the county officer, and that these policies may be established without the approval of any other person, except for city-county council approval of compensation of employees. Provides that in Marion County: (1) a township trustee's duties regarding parks and recreation, fences, cemeteries, detrimental weeds, and administration of the dog tax and dog fund are transferred to the consolidated city; (2) all assets, property rights, equipment, records, personnel, and contracts concerning a trustee's duties regarding parks and recreation, fences, detrimental weeds, and administration of the dog tax and dog fund are

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**Effective:** Upon passage; July 1, 2006; January 1, 2007.

**Young R Michael, Miller, Merritt,  
Waltz, Delph**

January 9, 2006, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.  
January 26, 2006, amended, reported favorably — Do Pass.

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transferred to the consolidated city on January 1, 2007; and (3) that the indebtedness of a township regarding a township trustee's duties regarding parks and recreation, fences, detrimental weeds, and administration of the dog tax and dog fund is assumed or defeased by the consolidated city and property taxes imposed by the consolidated city for that indebtedness are exempt from the ad valorem property tax limits. Reduces a township board in Marion County from seven to five members. Establishes in Marion County: (1) the fire, emergency medical services, and safety board to determine whether the townships and the consolidated city should enter into interlocal cooperation agreements regarding hiring, training, purchasing, and other matters; and (2) the fire and emergency services advisory board to establish educational requirements for firefighters employed by township fire departments and the Indianapolis fire department. Requires the minimum basic training required for state certification to be conducted for Marion County fire and emergency services personnel at the Emergency Services Education Center in Wayne Township. Creates a community resource center transition board to study and make recommendations regarding the joint provision of services and other matters. (The introduced version of this bill was prepared by the Marion County consolidation study commission.)

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January 27, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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## SENATE BILL No. 1

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2007]: **Sec. 0.5. (a) This section applies to a township  
4 in a county having a consolidated city.**  
5 **(b) After December 31, 2006, the duties of a township trustee  
6 under this chapter shall be transferred to the consolidated city.**  
7 SECTION 2. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) As used in this chapter,  
9 "detrimental plant" includes Canada thistle (*cirsium arvense*), Johnson  
10 grass, sorghum alumun (*sorghum halrphense*), bur cucumber (*sicyos*  
11 *angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp.  
12 *drummondii* [Steud.] deWet), and, in residential areas only, noxious  
13 weeds and rank vegetation. The term does not include agricultural  
14 crops.  
15 **(b) As used in this chapter, "fund" means:**

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**(1) the township fund for a township in a county not having a consolidated city; or**

**(2) the appropriate fund of the consolidated city for a county having a consolidated city.**

~~(b)~~ **(c)** As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state, or a political subdivision, or a group of those persons acting in concert.

**(d) As used in this chapter, "township trustee" or "trustee" means:**

**(1) a township trustee for a township in a county not having a consolidated city; or**

**(2) the consolidated city for a township in a county having a consolidated city.**

~~(c)~~ **(e)** A person owning or possessing real estate in Indiana shall destroy detrimental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detrimental plants from maturing on any such real estate.

SECTION 3. IC 15-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) A township trustee who has reason to believe that detrimental plants may be on real estate may, after giving forty-eight (48) hours notice to the owner or person in possession of the property, enter the real estate to investigate.

(b) Except as provided in subsection (c), if the township trustee determines after investigating the property or by visual inspection without entering the property that a person has detrimental plants growing on real estate in ~~the~~ a township **that comprises all or a part of the township trustee's jurisdiction** that have not been destroyed as described in section 1 of this chapter, the ~~trustee of the township in which the real estate is located~~ **township trustee** shall notify, in writing, the owner or person in possession of the real estate to destroy the detrimental plants in a manner provided in section 1 of this chapter within five (5) days after the notice is given. If the detrimental plants are not destroyed as provided in section 1 of this chapter within five (5) days after notice is given, the trustee shall cause the detrimental plants to be destroyed in a manner seeming most practical to the trustee within three (3) additional days. The trustee may hire a person to destroy the detrimental plants. The trustee or the person employed to destroy the detrimental plants may enter upon the real estate where the detrimental plants are growing to destroy the detrimental plants, and

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are not civilly or criminally liable for damage to crops, livestock, or other property occurring while carrying out such work, except for gross negligence or willful or wanton destruction.

(c) If the county has established a county weed control board under IC 15-3-4.6 the township trustee may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed control board shall notify the township trustee of the board's decision.

(d) Notice required in subsection (a) or (b) may be given:

- (1) by mail, using certified mail; or
- (2) by personal service.

(e) Notice under subsection (d) is considered received by the owner or person in possession of the real estate:

- (1) if sent by mail, on the earlier of:
  - (A) the date of signature of receipt of the mailing; or
  - (B) three (3) business days after the date of mailing; or
- (2) if served personally, on the date of delivery.

SECTION 4. IC 15-3-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) The township trustee may pay for the chemicals, work, and labor performed in cutting or destroying detrimental plants under this chapter at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) In all cases in which the infestation of the land with detrimental plants is so great and widespread as in the opinion of the trustee to render such cutting or eradication by hand methods impractical, the trustee shall engage the necessary power machinery or equipment and may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work ~~in the office of~~ **with** the trustee, ~~of the township,~~ and when the bill has been approved, the trustee shall pay the bill out of the ~~township~~ fund. The trustee ~~of the township~~ shall certify the cost or expense of the work, and the cost of the chemicals, adding to such bill twenty dollars (\$20) per day for each day that the trustee or the trustee's agent supervises the performance of the services required under this chapter as compensation for services, with a description of the real estate on which the labor was performed.

(d) The certified statement of costs prepared under subsection (c) shall be mailed using certificate of mailing to, or personally served on, the owner or person possessing the real estate. The certified statement

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shall be mailed to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality. The statement shall request that the person pay the cost of performing the service under subsection (c) to the township trustee.

(e) If the owner or person in possession of the property does not pay the amount set forth in the statement within ten (10) days after receiving the notice under subsection (d), the township trustee shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located **or, if the township is in a county having a consolidated city, the office of the city controller.**

(f) The auditor **or the city controller** shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in subsections (j) through (l), the amount claimed shall be collected as taxes are collected.

(g) After an amount described in subsection (f) is collected, the funds shall be deposited in the ~~trustee's township funds fund~~ **fund** for use at the discretion of the trustee.

(h) If there is no money available in ~~a the township~~ fund for that purpose, ~~the township board~~ upon finding an emergency exists:

**(1) the township legislative body** shall act under IC 36-6-6-14(b) or IC 36-6-6-15; **or**

**(2) a consolidated city shall act under IC 36-3-4;**  
to borrow a sum of money sufficient to meet the emergency.

(i) The trustee, when submitting estimates to the ~~township board~~ **legislative body** for action, shall include in the estimates an item sufficient to cover those expenditures.

(j) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement of costs for real estate owned by the state and shall charge the appropriate fund for the amount.

(k) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16) other than the township **or a consolidated city**. The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the township **or the consolidated city** the amount set forth in the certified statement of costs for real estate owned by the municipality.

(l) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement of costs for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property

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1 tax exemption, and the department of local government finance shall  
2 deny the property tax exemption for the real estate.

3 SECTION 5. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JANUARY 1, 2007]: Sec. 4. Except as provided in  
5 section 3 of this chapter, the county auditor **or, if a township is in a**  
6 **county having a consolidated city, the city controller**, upon  
7 receiving and filing such trustee's certificate as prescribed in this  
8 chapter, shall immediately place said amounts on the tax duplicate of  
9 the county, and such amounts shall be due at the next tax paying time,  
10 and shall be collected for the proper township, ~~or~~ townships, **or**  
11 **consolidated city**, the same as other state, county, or township taxes  
12 are collected, including penalties, forfeitures, and sales, and when so  
13 collected shall be paid to the proper trustee and placed in the ~~township~~  
14 fund.

15 SECTION 6. IC 15-3-4-5 IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) A person who:

- 17 (1) knowingly allows detrimental plants to grow and mature on
- 18 land owned or possessed by the person;
- 19 (2) knowing of the existence of detrimental plants on land owned
- 20 or possessed by the person, fails to cut them down or eradicate
- 21 them by chemicals each year, as prescribed in this chapter;
- 22 (3) having charge of or control over any highway, knowingly
- 23 allows detrimental plants to grow or mature on the right-of-way
- 24 of the highway, or, knowing of the existence of the detrimental
- 25 plants fails to cut them down or eradicate them by chemicals, as
- 26 prescribed in this chapter;
- 27 (4) having charge of or control over the right-of-way of a railroad
- 28 or interurban company, knowingly allows detrimental plants to
- 29 grow and mature thereon, or knowing of the existence of the
- 30 detrimental plants, fails to cut them down or eradicate them by
- 31 chemicals, as prescribed in this chapter; or
- 32 (5) knowingly sells Canada thistle (*cirsium arvense*) seed;

33 commits a Class C infraction. Each day this section is violated  
34 constitutes a separate infraction.

35 (b) All judgments collected under this section shall be paid to the  
36 trustee and placed in the ~~trustee's township funds fund~~ **fund** for use at the  
37 discretion of the trustee **or the consolidated city**.

38 SECTION 7. IC 15-3-4-7 IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JANUARY 1, 2007]: Sec. 7. When the annual budget is  
40 prepared, a sufficient amount shall be appropriated to enable the  
41 township ~~officials~~ **trustee** to comply with this chapter.

42 SECTION 8. IC 15-3-4-8 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The Purdue University cooperative extension service shall provide technical assistance to township trustees for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township **or a consolidated city** shall assist the township trustee in carrying out the duties imposed on the trustee under this chapter.

SECTION 9. IC 15-3-4.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) **member appointed as follows:**

**(A) In a county not having a consolidated city, a township trustee of a township in the county.**

**(B) In a county having a consolidated city, the director of the department of the consolidated city that is responsible for the destruction of detrimental plants described in this chapter or the director's designee.**

(2) One (1) soil and water conservation district supervisor.

(3) A representative from the agricultural community of the county.

(4) A representative from the county highway department or an appointee of the county commissioners. ~~and~~

(5) A cooperative extension service agent from the county to serve in non-voting advisory capacity.

Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments. The board shall elect a chairman and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to such traveling and other expenses as may be necessary in the discharge of their duties. The board may appoint an executive director and employ necessary technical, professional, and other assistants, and it shall fix the qualifications, duties, and salaries of these employees subject to the permission of the county council. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall serve as inspectors for the board. They shall make periodic inspections and report their findings to the board and the executive director, if any.

SECTION 10. IC 15-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. The Indiana department of transportation, railroads, drainage districts, township boards, **except township boards of townships in a county having a**

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**consolidated city**, public utilities, and other public and quasi-public corporations shall, between July 1 and September 15, do anything possible to restrict the growth and seed production of all Johnson grass growing on lands for which they are responsible in a municipality or township of this state.

SECTION 11. IC 15-5-9-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter, "assessor" means:**

**(1) for a township located in a county not having a consolidated city:**

**(A) the township assessor elected under IC 36-6-5-1; or**

**(B) the township trustee who is required by law to act as the assessor for the township the trustee serves; or**

**(2) for a township located in a county having a consolidated city, the controller of the consolidated city or the controller's designee.**

SECTION 12. IC 15-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The ~~township~~ assessor shall make a diligent census as to the number of dogs owned, harbored, or kept by any person. A person owning or harboring a dog shall pay immediately to the ~~township~~ assessor a tax for each dog owned, harbored, or kept on the same premises, whether owned by that person or some other person, as follows:

(1) Except as provided in subsection (d), for each neutered dog, two dollars (\$2).

(2) For each nonneutered dog, four dollars (\$4).

(3) For each additional dog, six dollars (\$6).

No dog under six (6) months of age is subject to any tax under this chapter. Whoever becomes the owner or harbinger of a dog after the dog census by the ~~township~~ assessor or any owner or harbinger of a dog for which for any reason the assessor failed to collect the tax, shall, within thirty (30) days after becoming the owner or harbinger of a dog, apply to the assessor or the assessor's designee, pay the required fee, and procure a tag for the dog.

(b) Dogs kept in kennels for breeding, boarding, or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay a kennel license fee according to the following schedule:

(1) For a major kennel, consisting of fifteen (15) or more dogs, a fee of thirty dollars (\$30).

(2) For a minor kennel, consisting of less than fifteen (15) dogs,

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a fee of twenty dollars (\$20).

For each individual dog tag or kennel license issued under this chapter, the ~~township~~ assessor ~~(or trustee who collects the fee)~~ shall retain from the fee described in this section, an administrative fee of fifty cents (\$0.50). Administrative fees collected by ~~the~~ **an** assessor **other than a township trustee** shall be deposited in the county general fund, and administrative fees collected by ~~the~~ **a township** trustee shall be deposited in the township general fund.

(c) Upon the payment of the license fee required by subsection (b), the ~~township~~ assessor shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it and the name and address of the owner of the kennel licensed, and a description of the breed, number, sex, and age of the dogs kept in such kennel. Any person becoming the owner of a dog kennel shall, within thirty (30) days after becoming the owner, apply to the ~~township~~ assessor, township trustee, or assessor's designee and, upon payment of the required fee, procure a license and a metallic tag for all dogs kept in the kennel.

(d) A county council may increase the tax on neutered dogs imposed under subsection (a) from two dollars (\$2) to three dollars (\$3).

(e) ~~A township~~ **An** assessor ~~(or a township trustee who has the duties of a township assessor)~~ may designate one (1) or more licensed veterinarians or humane societies in the assessor's township **or county, as the case may be**, to collect the dog taxes and kennel license fees and issue the licenses under this chapter. A designee may retain seventy-five cents (\$0.75) as a fee for that service and remit the balance of the money collected to the ~~township trustee assessor who designated the designee~~ by the tenth day of each month. As used in this subsection, "humane society" includes an animal shelter, animal control center, or other animal impounding facility that has as its purpose the humane treatment of animals.

SECTION 13. IC 15-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The ~~township~~ assessor shall give to each person a receipt for the money paid the assessor, which shall be designated for dog tax. The receipt shall show the person's name who owns, harbors, or keeps the dog, the amount paid, and the number, description, and kind of dogs paid for, whether male or female, and the number of each. The receipt relieves the person owning, keeping, or harboring dogs for the current year, extending one (1) year from its date. The assessor shall keep a record of persons owning dogs subject to taxation and a record of the dogs

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1 paid for. The assessor shall keep a stub record or copy of the receipts  
 2 given for money paid as dog tax. The stub record shall show the  
 3 amount paid, the number of dogs, both male and female, paid for, and  
 4 the person's name owning the dogs paid for. At the time when the  
 5 receipt is issued to the person, the assessor shall give to the person a  
 6 tag, which shall be attached to the collar worn by the dog.

7 (b) Before July 1 each year, the ~~township~~ assessor, **except an**  
 8 **assessor in a county having a consolidated city**, shall turn over to the  
 9 township trustee all the records kept by the assessor relating to the  
 10 collecting and payment of dog taxes and kennel license fees, and a  
 11 copy of all receipts given by the assessor to persons having paid dog  
 12 taxes and kennel license fees, and all money received by the assessor  
 13 as dog taxes, and all tags left in the assessor's possession. The assessor  
 14 shall assess against each person who failed to pay to the assessor the  
 15 amount of any license fee owed by the person, and the amount of the  
 16 license fees shall be placed upon the tax duplicate by the county auditor  
 17 and collected as taxes are collected.

18 (c) From July 1 each year until March 1 of the next year, the  
 19 ~~township trustee assessor~~ shall receive any license fees subject to be  
 20 paid under this chapter and issue any licenses under this chapter that  
 21 may be received or issued by the ~~township~~ assessor under this chapter.

22 SECTION 14. IC 15-5-9-3 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **This section**  
 24 **does not apply to a township in a county having a consolidated city**  
 25 **or to a consolidated city.** The ~~township~~ assessor shall, before July 1  
 26 each year, report the amount collected as dog tax and kennel license  
 27 fees to the county auditor. The dog taxes and kennel license fees  
 28 collected by ~~the a township~~ assessor shall be turned over by the  
 29 **township** assessor to the township trustee of the **township** assessor's  
 30 township. The county auditor shall make a record of the same, and  
 31 charge the amount stated in the report against the township trustee as  
 32 receipts from the county dog fund.

33 SECTION 15. IC 15-5-9-4 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Each  
 35 ~~township~~ assessor shall perform the duties imposed by this chapter. If  
 36 a dog owner has failed to turn in a dog for taxation purposes, the  
 37 assessor shall notify the owner that the assessor is listing the unpaid  
 38 taxes within a period of ten (10) days, at which time the person will be  
 39 assessed double the amount of taxes provided by this chapter unless the  
 40 person owning the dog appears voluntarily within the ten (10) days  
 41 and:

42 (1) proves to the satisfaction of the assessor that the person owned

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no such dog at the time the census was made; or  
 (2) makes an affidavit to be kept on file by the assessor to the effect that the failure to report a dog for taxation was not intentional and was not purposely omitted for the purpose of avoiding payment of taxes.

(b) Each assessor shall keep a complete list of all dogs subject to the tax under this chapter together with the names of their owners on record in the assessor's office at all times and available to the public. If any person shall acquire, own, harbor, or keep any dog after the assessor has completed the census, the person shall report the dog to and pay to the assessor the amount of dog tax as provided in this chapter and receive a receipt and tag for the payment. The receipt and tag exempts the person from further payment of dog tax on dogs described in the receipt for one (1) year from the date of the receipt.

SECTION 16. IC 15-5-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. ~~A township~~ An assessor ~~or assessor's designee or township trustee~~ who:

- (1) fails to perform the duties imposed by this chapter; or
- (2) fails to make a complete report within the time specified in this chapter;

commits a Class C infraction.

SECTION 17. IC 15-5-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. Every person liable to taxation in any township and residing in the township when listed for taxation shall make and subscribe to an oath to the ~~township~~ assessor in which the person states the number of dogs neutered or unneutered over the age of six (6) months and owned or harbored by the person.

SECTION 18. IC 15-5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) All money derived by the taxing of dogs under this chapter shall constitute a fund known as the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund** that the township trustee **or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city,** shall use in the manner provided in this chapter for the payment of the following:

- (1) Damages, less insurance proceeds, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:
  - (A) Sheep.
  - (B) Cattle.

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- 1 (C) Horses.  
 2 (D) Swine.  
 3 (E) Goats.  
 4 (F) Mules.  
 5 (G) Chickens.  
 6 (H) Geese.  
 7 (I) Turkeys.  
 8 (J) Ducks.  
 9 (K) Guineas.  
 10 (L) Tame rabbits.  
 11 (M) Game birds and game animals held in captivity under  
 12 authority of a game breeder's license issued by the department  
 13 of natural resources.  
 14 (N) Bison.  
 15 (O) Farm raised cervidae.  
 16 (P) Ratitae.  
 17 (2) The expense of taking the Pasteur treatment for hydrophobia  
 18 incurred by any person bitten by or exposed to a dog known to  
 19 have hydrophobia. ~~within any township of Indiana.~~  
 20 (b) Any person requiring the treatment described in subsection  
 21 (a)(2) may select the person's own physician.  
 22 (c) No damages shall be assessed or paid under this chapter on  
 23 sheep except where individual damage exists or is shown.  
 24 (d) This subsection applies to a county whose legislative body has  
 25 acted under this subsection. A county legislative body may designate  
 26 by ordinance one (1) humane society located in that county to receive  
 27 fifty cents (\$0.50) from each dog tax payment collected under this  
 28 chapter.  
 29 (e) A humane society designated under subsection (d) shall use the  
 30 funds disbursed to the society to maintain an animal shelter.  
 31 (f) If a county does not designate a humane society to receive  
 32 payments under subsection (d), those amounts remain in the township  
 33 dog fund **or, in the case of a county having a consolidated city, the**  
 34 **county dog fund.**  
 35 SECTION 19. IC 15-5-9-9.1 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.1. (a) In order  
 37 to qualify for payment for damages by a township trustee **or, in the**  
 38 **case of a township located in a county having a consolidated city,**  
 39 **the controller of the consolidated city** under this chapter, the owner  
 40 of stock, fowl, or game listed in section 8(a)(1) of this chapter killed,  
 41 maimed, or damaged by dogs shall do the following:  
 42 (1) Not more than seventy-two (72) hours after the time of the

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loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

(A) A law enforcement officer.

(B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.

(2) Within twenty (20) days from the time of the loss, report the loss to the trustee ~~of his township~~ **of the owner's township or, in a township located in a county having a consolidated city, to the controller of the consolidated city** as follows:

(A) Under oath, the owner shall state:

(i) the number, age, and value of the stock, fowl, or game; and

(ii) the damages, less any insurance proceeds, sustained.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

(i) disinterested; and

(ii) not related by blood or marriage to the claimant.

(C) No appraisal may exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value is no more than the slaughter value.

(D) The owner shall provide verification of the loss by an officer under subdivision (1).

(E) No loss shall be paid for property owned by a claimant on the last property tax assessment date if the property was not reported by the owner for assessment purposes at that time.

(b) An officer who receives notice under subsection (a)(1) shall visit the scene of the loss, verify the loss in writing, and mark the animal so that the animal can support only one (1) claim under this chapter.

SECTION 20. IC 15-5-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The ~~trustees township trustee or the controller of the consolidated city~~ shall register and pay damages for all losses in the order in which the losses are reported.

(b) A person may not receive payment from the trustee ~~or the controller of the consolidated city~~ for stock, fowl, or game listed in section 8(a)(1) of this chapter:

(1) that are killed, maimed, or damaged by any dog or dogs owned or harbored by that person;

(2) for which the person received from another person an amount

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equal to the actual damages; or

(3) for which the owner has not complied with section 9.1 of this chapter.

(c) When rabies shall develop in any stock, fowl, or game listed in section 8(a)(1) of this chapter, however contracted, and when the existence of such disease shall be proven by:

(1) laboratory diagnosis, made in the laboratory of the state department of health, or some other laboratory maintained by state, county, or municipal funds; or

(2) affidavit of an attending legally qualified graduate veterinarian;

the owner of such animal with rabies shall be entitled to recover in the same amount and manner as provided in sections 8 and 9.1 of this chapter.

(d) Whenever any dog not accompanied by the dog's owner or owner's agent is suspected of having rabies and found roaming at large, and the dog dies or is destroyed on said account, the **township trustee or controller of the consolidated city** shall do the following:

(1) Remove or have removed the head of the dog.

(2) Pay from the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund**, the following:

(A) A reasonable fee for the removal of the dog's head.

(B) All charges for transporting the head to a laboratory maintained by state, county, or municipal funds. If no money is available in the **appropriate** dog fund, ~~of the township~~; then such necessary fees shall be paid out of the township **general fund or, in the case of a township located in a county having a consolidated city, the county general fund**, without appropriations having been made.

(e) On the first Monday of March of each year, the township shall transfer the following to the county treasurer:

(1) Any funds in a township dog fund designated for a humane society under section 8 of this chapter.

(2) Any amount in a township dog fund exceeding three hundred dollars (\$300) over and above orders drawn on the fund.

(f) The funds transferred to the county treasurer under subsection (e) shall be deposited in the county dog fund. On the second Monday in March of each year, the money in the county dog fund shall be distributed as follows:

(1) **Except for a township located in a county having a consolidated city**, among the townships of the county in which

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the orders drawn against the dog fund exceed the money on hand.

(2) To a humane society designated under section 8 of this chapter.

(g) If the funds in the county dog fund, after any distribution to a designated humane society, are insufficient to pay for all stock, fowl, or game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs ~~of all the townships~~ in the county, the distribution shall be made, **except in a township located in a county having a consolidated city**, in the ratio of the orders drawn against the dog fund of the townships and unpaid and unprovided for. The ratio shall be obtained from the report of the trustees of the townships made to the auditor of the county.

(h) The report under subsection (g) shall be made by each township trustee of the county upon the first Monday of March of each year and must show the following:

(1) All receipts into the dog fund of the township.

(2) All orders drawn against the township fund in the order in which the orders were drawn.

(i) If the funds in the dog fund of any township and the share of the county dog fund distributed to such township during any year **or, in the case of a township located in a county having a consolidated city, the county dog fund**, are insufficient to pay for all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs in such township **or county, as the case may be**, during such year, any such losses registered and any orders drawn which are unpaid and unprovided for shall be paid out of the state dog account.

(j) If upon the first Monday in May of any year there is a surplus left of the county dog fund after provisions have been made for the payment of all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs of all the townships of the county and the distribution to any designated humane society, the surplus shall be:

(1) paid to the auditor of state; and

(2) placed in a separate account of the general fund of the state treasury known as the state dog account.

SECTION 21. IC 15-5-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. On or before the first day of May of each year, the trustee of each township shall make a report in writing, to the county auditor, of the amount of all claims in ~~his~~ **the trustee's** township for livestock, fowls, or game which have been destroyed or damaged by dogs, and which claims

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1 have been filed before March 9, 1937, or which may be filed thereafter  
 2 but have not been paid for lack of funds. On or before the second  
 3 Monday in May of each year, the auditor of each county, **or, in a**  
 4 **county having a consolidated city, the controller of the consolidated**  
 5 **city**, shall make a report, in writing, to the auditor of state, in such form  
 6 as the auditor of state shall prescribe, of the amount of all such claims  
 7 in ~~his~~ **the** county which have been filed and which have not been paid  
 8 for lack of funds, and on or before the second Monday in July, the  
 9 auditor of state shall issue ~~his~~ **the auditor's** warrant, payable to the  
 10 auditor of each such county **or, in a county having a consolidated**  
 11 **city, the controller of the consolidated city**, for the amount of the  
 12 unpaid claims. The warrant shall be drawn on the state dog account.  
 13 Upon the receipt of the money, the auditor of the county **or, in a**  
 14 **county having a consolidated city, the controller of the consolidated**  
 15 **city**, shall distribute the funds to the respective townships of ~~his~~ **the**  
 16 county entitled thereto **or, in the case of a county having a**  
 17 **consolidated city, to the appropriate fund of the consolidated city**,  
 18 and the trustee of the township **or controller of a consolidated city**  
 19 shall pay all unpaid claims of ~~his~~ **the** township **or county** in the order  
 20 in which the claims were filed. If in any year there is not sufficient  
 21 money in the state dog account to pay all of the claims, the auditor of  
 22 state shall make such distribution, as near as practicable, in proportion  
 23 to the aggregate value of livestock, fowls, or game for the destruction  
 24 of which or the damage to which claims have been filed in the  
 25 respective counties, and the county auditor, **except in a county having**  
 26 **a consolidated city**, shall distribute the money so received to the  
 27 several townships in the same proportion. All money in excess of fifty  
 28 thousand dollars (\$50,000) remaining in the state dog account, after  
 29 such annual distribution shall have been made as hereinbefore  
 30 provided, shall be distributed by the auditor of state in the manner  
 31 following:

32 ~~(a)~~ **(1)** One-half (1/2) of such excess or one hundred thousand  
 33 dollars (\$100,000) of such excess, whichever sum is the lesser,  
 34 shall be distributed to Purdue University for the School of  
 35 Veterinary Science and Medicine to be used solely for canine  
 36 disease research.

37 ~~(b)~~ **(2)** The balance remaining of such excess, after the  
 38 distribution to Purdue University is made as hereinbefore  
 39 provided, shall be distributed to the general fund of each county  
 40 in direct proportion to the total amount of money paid into the dog  
 41 account on the second Monday in May by the county prior to the  
 42 distribution.

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1 Of the funds returned to the respective counties the county may, with  
 2 the approval of the county commissioners and the county council,  
 3 construct dog pounds within said counties.

4 SECTION 22. IC 15-5-9-12 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) At the time  
 6 when the dog kennel license fee is paid to the ~~township~~ assessor, the  
 7 assessor, at the time when the assessor issues a receipt, shall likewise  
 8 furnish to the person a metal tag. The metal tag furnished shall be  
 9 attached securely to the collar of the dog for which the license fee has  
 10 been paid, and the collar, with the tag attached, shall be worn  
 11 continuously by the dog.

12 (b) All license tags shall be of uniform design or color for any one  
 13 (1) year, but the same color or shape shall not be used for any two (2)  
 14 consecutive years. All tags shall be designed by the auditor of state,  
 15 shall be paid for out of the state dog account, and shall be  
 16 manufactured at the state prison in the same manner as motor vehicle  
 17 registration plates. Each tag shall have a distinct number, and the  
 18 number of the tag shall appear on the receipt issued to the owner of the  
 19 dog.

20 (c) If any dog tag is lost, it shall be replaced without cost by the  
 21 assessor upon application by the owner of the dog and upon the  
 22 production of the receipt and a sworn statement of the facts regarding  
 23 the loss of the tag. No license tag is transferable to another dog.

24 SECTION 23. IC 32-26-4-2 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The trustee  
 26 of each township, the county highway superintendent, the Indiana  
 27 department of transportation, or other officer in control of the  
 28 maintenance of a highway shall between January 1 and April 1 of each  
 29 year, examine all hedges, live fences, natural growths along highways,  
 30 and other obstructions described in section 1 of this chapter in their  
 31 respective jurisdictions. **However, in a county having a consolidated**  
 32 **city, the duties and obligations of a township trustee under this**  
 33 **chapter are the responsibility of the consolidated city.** If there are  
 34 hedges, live fences, other growths, or obstructions along the highways  
 35 that have not been cut, trimmed down, and maintained in accordance  
 36 with this chapter, the owner shall be given written notice to cut or trim  
 37 the hedge or live fence and to burn the brush trimmed from the hedge  
 38 or live fence and remove any other obstructions or growths.

39 (b) The notice required under subsection (a) must be served by  
 40 reading the notice to the owner or by leaving a copy of the notice at the  
 41 owner's usual place of residence.

42 (c) If the owner is not a resident of the township, county, or state

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where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township, **county, or state**. If an agent or a tenant of the owner does not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation shall immediately:

(1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and

(2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 24. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.6. As used in this chapter, "township" means:**

(1) a township in a county not having a consolidated city; or

(2) the consolidated city for a township located in a county having a consolidated city.

SECTION 25. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:**

(1) a township trustee for a township in a county not having

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1           **a consolidated city; or**

2           **(2) the consolidated city for a township in a county having a**  
 3           **consolidated city.**

4           SECTION 26. IC 32-26-9-3 IS AMENDED TO READ AS  
 5           FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) A partition  
 6           fence shall be built, rebuilt, and kept in repair at the cost of the property  
 7           owners whose properties are enclosed or separated by the fences  
 8           proportionately according to the number of rods or proportion of the  
 9           fence the property owner owns along the line of the fence, whether the  
 10          property owner's title is a fee simple or a life estate.

11          (b) If a property owner fails or refuses to compensate for building,  
 12          rebuilding, or repairing the property owner's portion of a partition  
 13          fence, another property owner who is interested in the fence, after  
 14          having built, rebuilt, or repaired the property owner's portion of the  
 15          fence, shall give to the defaulting property owner or the defaulting  
 16          property owner's agent or tenant twenty (20) days notice to build,  
 17          rebuild, or repair the defaulting property owner's portion of the fence.  
 18          If the defaulting property owner or the defaulting property owner's  
 19          agent or tenant fails to build, rebuild, or repair the fence within twenty  
 20          (20) days, the complaining property owner shall notify the township  
 21          trustee of the township in which the properties are located of the  
 22          default.

23          (c) This subsection applies if the fence sought to be established,  
 24          rebuilt, or repaired is on a township line. Unless disqualified under  
 25          subsection (h), the complaining property owner shall notify the trustee  
 26          of the township in which the property of the complaining property  
 27          owner is located of the default under subsection (b), and the trustee has  
 28          jurisdiction in the matter.

29          (d) The township trustee who receives a complaint under this  
 30          section shall:

31               (1) estimate the costs for building, rebuilding, or repairing the  
 32               partition fence; and

33               (2) within a reasonable time after receiving the complaint, make  
 34               out a statement and notify the defaulting property owner of the  
 35               probable cost of building, rebuilding, or repairing the fence.

36          If twenty (20) days after receiving a notice under this subsection the  
 37          defaulting property owner has not built, rebuilt, or repaired the fence,  
 38          the trustee shall build or repair the fence. The trustee may use only the  
 39          materials for the fences that are most commonly used by the farmers of  
 40          the community.

41          (e) If the trustee of a township is disqualified to act under subsection  
 42          (h), the trustee of an adjoining township who resides nearest to where

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the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

(1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.

(2) A straight rail fence four and one-half (4 1/2) feet high.

(3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee is:

(1) related to any of the interested property owners; or

(2) an interested property owner;

~~the trustee of any other township who resides nearest to where the fence is located shall~~ **township shall appoint another official to act** under this chapter.

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon

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the character of floodgates or other similar structure, or upon the proportionate share of the cost to be borne by each property owner. The township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 27. IC 34-30-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. IC 15-3-4-2 (Concerning township trustees, **a consolidated city**, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 28. IC 36-2-9.5-10, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county auditor shall examine and settle all accounts and demands that are:

- (1) chargeable against the county or city; and
- (2) not otherwise provided for by statute.

(b) The county auditor shall issue warrants on the county or city treasury for:

- (1) sums of money settled and allowed by the county auditor;
- (2) sums of money settled and allowed by another official; or
- (3) settlements and allowances fixed by statute;

and shall make the warrants payable to the person entitled to payment. The warrants shall be numbered progressively, and the ~~controller~~

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1 **county auditor** shall record the number, date, amount, payee, and  
 2 purpose of issue of each warrant at the time of issuance.

3 SECTION 29. IC 36-2-9.5-13, AS ADDED BY P.L.227-2005,  
 4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 UPON PASSAGE]: Sec. 13. (a) The county auditor is responsible for  
 6 the issuance of warrants for payments from county and city funds. **The**  
 7 **signature of the county auditor may not be signed on, imprinted on,**  
 8 **or affixed to any warrant for the payment of county or city funds**  
 9 **without the approval of the county auditor.**

10 (b) The county auditor is responsible for:

- 11 (1) accounting;
- 12 (2) payroll, accounts payable, and accounts receivable;
- 13 (3) revenue and tax distributions; and
- 14 (4) maintenance of property records;

15 for all city and county departments, offices, and agencies.

16 **(c) The county auditor may take actions necessary to carry out**  
 17 **the functions under subsection (b) without the approval of the**  
 18 **controller of the consolidated city.**

19 SECTION 30. IC 36-2-15-5 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The county  
 21 assessor shall perform the functions assigned by statute to the county  
 22 assessor, including the following:

- 23 (1) Countywide equalization.
- 24 (2) Selection and maintenance of a countywide computer system.
- 25 (3) Certification of gross assessments to the county auditor.
- 26 (4) Discovery of omitted property.

27 (b) The county assessor shall perform the functions of an assessing  
 28 official under IC 36-6-5-2 in a township with a township  
 29 assessor-trustee if the township assessor-trustee:

- 30 (1) fails to make a report that is required by law;
- 31 (2) fails to deliver a property tax record to the appropriate officer  
 32 or board;
- 33 (3) fails to deliver an assessment to the county assessor; or
- 34 (4) fails to perform any other assessing duty as required by statute  
 35 or rule of the department of local government finance;

36 within the time period prescribed by statute or rule of the department  
 37 or within a later time that is necessitated by reason of another official  
 38 failing to perform the official's functions in a timely manner.

39 (c) A township with a township trustee-assessor may, with the  
 40 consent of the township board, enter into an agreement with:

- 41 (1) the county assessor; or
- 42 (2) another township assessor in the county;

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to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

**(d) In a county having a consolidated city, the controller of the consolidated city or the controller's designee shall administer the dog tax and township dog fund as prescribed by IC 15-5-9.**

SECTION 31. IC 36-3-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) An ordinance or resolution passed by a legislative body is considered adopted when it is:

- (1) signed by the presiding officer; and
- (2) if subject to veto, either approved by the executive or passed over ~~his~~ **the executive's** veto by the legislative body, under section 16 of this chapter.

(b) All ordinances and resolutions of a legislative body are subject to veto, except the following:

- (1) An ordinance or resolution, or part of either, providing for the budget or appropriating money for an office or officer of the county provided for by the Constitution of Indiana or for a judicial office or officer.
- (2) An ordinance or resolution approving or modifying the budget of a political subdivision that the legislative body is permitted by statute to review.
- (3) A resolution making an appointment that the legislative body is authorized to make.
- (4) A resolution selecting officers or employees of the legislative body.
- (5) A resolution prescribing rules for the internal management of the legislative body.
- (6) A zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

**(7) An ordinance adopted by the legislative body to enter into an interlocal cooperation agreement under IC 36-1-7 in accordance with IC 36-3-8.**

(c) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published in the manner prescribed by IC 5-3-1, unless:

- (1) it is published under subsection (d); or
- (2) there is an urgent necessity requiring its immediate effectiveness, the executive proclaims the urgent necessity, and

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1 copies of the ordinance are posted in three (3) public places in the  
2 county.

3 (d) If a legislative body publishes any of its ordinances in book or  
4 pamphlet form, no other publication is required. If an ordinance  
5 prescribing a penalty or forfeiture for a violation is published under this  
6 subsection, it takes effect two (2) weeks after the publication of the  
7 book or pamphlet. Publication under this subsection, if authorized by  
8 the legislative body, constitutes presumptive evidence:

- 9 (1) of the ordinances in the book or pamphlet;  
10 (2) of the date of adoption of the ordinances; and  
11 (3) that the ordinances have been properly signed, attested,  
12 recorded, and approved.

13 (e) Unless a legislative body provides in an ordinance or resolution  
14 for a later effective date, the ordinance or resolution takes effect when  
15 it is adopted, subject to subsections (c) and (d).

16 (f) Subsections (a), (c), (d), and (e) do not apply to zoning  
17 ordinances or amendments to zoning ordinances, or resolutions  
18 approving comprehensive plans, that are adopted under IC 36-7.

19 SECTION 32. IC 36-3-5-2.7, AS ADDED BY P.L.227-2005,  
20 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 UPON PASSAGE]: Sec. 2.7. (a) The office of finance and management  
22 is established and is responsible for:

- 23 (1) budgeting, except as provided in subsection (c);  
24 (2) financial reporting and audits;  
25 (3) purchasing; and  
26 (4) fixed assets;

27 for all city and county departments, offices, and agencies.

28 (b) The controller:

- 29 (1) serves as the director of; and  
30 (2) may organize into divisions;

31 the office of finance and management.

32 (c) The office of finance and management is not responsible for the  
33 issuance of warrants for payments from county and city funds. **A  
34 person may not sign or imprint the signature of the county auditor  
35 on, or affix the signature of the county auditor to, any warrant for  
36 the payment of county or city funds without the approval of the  
37 county auditor.**

38 SECTION 33. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005,  
39 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 UPON PASSAGE]: Sec. 2.8. (a) Except as provided in subsections (b),  
41 **and (c), (d), and (e),** the controller:

- 42 (1) has all the powers; and

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(2) performs all the duties;  
of the county auditor under law.

(b) The controller:

(1) does not have the powers; and  
(2) may not perform the duties;  
of the county auditor under IC 36-2-9.5 and IC 36-3-6, or as a member  
of the board of commissioners of the county under IC 36-3-3-10.

(c) Notwithstanding subsection (a) or any other law, the executive,  
with the approval of the legislative body, may allocate the duties of the  
county auditor, except the duties referred to in subsection (b), among:

- (1) the controller;
- (2) the county assessor;
- (3) the county auditor; or
- (4) other appropriate city or county officials.

**(d) The county auditor is responsible for the payroll functions  
and duties for all city and county departments, offices, and  
agencies, and the controller may not perform these functions and  
duties, except as requested by the county auditor.**

**(e) The approval of the controller is not required for a human  
resources policy or personnel policy established under IC 36-3-7-6  
by an elected county officer.**

SECTION 34. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE  
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
UPON PASSAGE]: **Sec. 6. Each elected county officer is responsible  
for establishing the human resources policies and personnel  
policies that apply to employees of the county officer. An elected  
county officer may establish these policies without the approval of  
any other person, except for approval of the county legislative body  
required under IC 36-3-6 for compensation of employees.**

SECTION 35. IC 36-3-8 IS ADDED TO THE INDIANA CODE AS  
A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
1, 2006]:

**Chapter 8. Fire, Emergency Medical Services, and Safety Board**

**Sec. 1. This chapter applies to:**

- (1) the consolidated city;
- (2) an excluded city that has a fire department and adopts a  
resolution under section 7 of this chapter;
- (3) an excluded town that has a fire department and adopts a  
resolution under section 7 of this chapter; and
- (4) a township;  
in a county containing a consolidated city.

**Sec. 2. As used in this chapter, "board" refers to the fire,**

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1 emergency medical services, and safety board established by  
2 section 4 of this chapter.

3 Sec. 3. As used in this chapter, "unit" means a city, town, or  
4 township to which this chapter applies under section 1 of this  
5 chapter.

6 Sec. 4. The fire, emergency medical services, and safety board  
7 is established.

8 Sec. 5. (a) The board consists of the following members:

9 (1) The executive of the consolidated city.

10 (2) The executive of each of the following townships in the  
11 county:

12 (A) Decatur Township.

13 (B) Franklin Township.

14 (C) Lawrence Township.

15 (D) Perry Township.

16 (E) Pike Township.

17 (F) Warren Township.

18 (G) Washington Township.

19 (H) Wayne Township.

20 (3) The executive of each excluded city that has a fire  
21 department and adopts a resolution under section 7 of this  
22 chapter.

23 (4) The executive of each excluded town that has a fire  
24 department and adopts a resolution under section 7 of this  
25 chapter.

26 (5) One (1) member who is an emergency medical professional  
27 appointed jointly by the township executives of each township  
28 in the county, excluding Center Township.

29 (6) One (1) member who is an emergency medical professional  
30 appointed by the executive of the consolidated city.

31 (7) One (1) member who is an emergency medical professional  
32 appointed by a local labor union that represents firefighters  
33 employed by the consolidated city.

34 (b) The executive of the consolidated city shall serve as the  
35 board's chairperson. The board shall meet at the call of the  
36 chairperson.

37 (c) Members appointed under subsection (a)(5) through (a)(7)  
38 are nonvoting members of the board.

39 Sec 6. (a) The term of a member appointed under section 5(a)(1)  
40 through 5(a)(4) of this chapter is coextensive with the term of the  
41 office held by the member at the time the member was appointed  
42 to the board.

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(b) A member appointed under section 5(a)(5) through 5(a)(7) of this chapter serves a term of four (4) years. If a member ceases to be a member of the board, the original appointing authority shall appoint an individual to serve on the board for the remainder of the unexpired term of the member.

Sec. 7. (a) The legislative body of an excluded city or excluded town must adopt a resolution to join the board. After adopting the resolution, the legislative body shall send a copy of the resolution to the board.

(b) An excluded city or excluded town may not resign from the board after adopting a resolution under subsection (a).

Sec. 8. (a) The board may determine whether all units represented by the board shall jointly perform the following functions by entering into interlocal cooperation agreements under IC 36-1-7:

- (1) The process of purchasing equipment and supplies.
- (2) Contracts for the following services:
  - (A) Health care.
  - (B) Worker's compensation.
  - (C) Liability insurance.
  - (D) Payroll services.
- (3) Vehicle and apparatus maintenance.
- (4) Wellness or fitness programs.
- (5) Emergency medical services billing.
- (6) Fire investigation and inspection.
- (7) The process for hiring and recruit training.
- (8) Special operations.

(b) The board, by an affirmative vote of at least two-thirds (2/3) of the voting members, may determine that the units described in subsection (a) shall jointly perform, by entering into interlocal cooperation agreements under IC 36-1-7, additional functions not listed in subsection (a).

Sec. 9. (a) A quorum for a meeting of the board is determined as follows:

STEP ONE: Determine the total number of voting members serving on the board.

STEP TWO: Divide the number determined under STEP ONE by two (2). If the quotient is not a whole number, round the quotient down to the nearest whole number.

STEP THREE: Add one (1) to the quotient determined under STEP TWO.

(b) The commission may not take any final action unless the

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number of affirmative votes on the action equals at least the number of members in a quorum.

**Sec. 10.** If the board adopts a resolution for a unit to enter into an interlocal cooperation agreement with the other units, the board shall submit the resolution and the interlocal cooperation agreement to the legislative body of each unit. If the unit is:

(1) a city or town, the legislative body of the city or town shall enter into the interlocal cooperation agreement by adopting an ordinance as set forth in IC 36-1-7-2, not later than fifteen (15) days after the resolution and interlocal cooperation agreement are presented to the legislative body; or

(2) a township, the legislative body of the township shall enter into the interlocal cooperation agreement by adopting a resolution as set forth in IC 36-1-7-2, not later than fifteen (15) days after the resolution and interlocal cooperation agreement are adopted by the board.

**Sec. 11.** If the units enter into an interlocal agreement, the units shall pay a pro rata share of all administrative and other costs incidental to the interlocal agreement.

**Sec. 12.** The units may enter into an interlocal agreement under this chapter to pay a pro rata share of all administrative and other costs incidental to the maintenance and operation of the education center (as defined in IC 36-3-9-4).

SECTION 36. IC 36-3-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

**Chapter 9. Fire and Emergency Services Training Advisory Board**

**Sec. 1.** This chapter applies only to a county containing a consolidated city.

**Sec. 2.** As used in this chapter, "advisory board" refers to the fire and emergency services training advisory board established by section 6 of this chapter.

**Sec. 3.** As used in this chapter, "education board" refers to the board of firefighting personnel standards and education established by IC 22-12-3-1.

**Sec. 4.** As used in this chapter, "education center" refers to the Emergency Services Education Center located in Wayne Township in the county containing the consolidated city.

**Sec. 5.** As used in this chapter, "safety board" refers to the fire, emergency medical services, and safety board established by IC 36-3-8-4.

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1       **Sec. 6. The fire and emergency services training advisory board**  
 2       **is established.**

3       **Sec. 7. (a) The advisory board consists of the following**  
 4       **members:**

5           (1) The fire chief, or the fire chief's designee, of the fire  
 6           department of the consolidated city.

7           (2) The fire chief, or the fire chief's designee, of each of the  
 8           following townships in the county:

9               (A) Decatur Township.

10              (B) Franklin Township.

11              (C) Lawrence Township.

12              (D) Perry Township.

13              (E) Pike Township.

14              (F) Warren Township.

15              (G) Washington Township.

16              (H) Wayne Township.

17           (3) The fire chief, or the fire chief's designee, of each excluded  
 18           city that joins the safety board.

19           (4) The fire chief, or the fire chief's designee, of each excluded  
 20           town that joins the safety board.

21           (5) One (1) member who is a medical director of an  
 22           emergency medical services agency appointed by the  
 23           executive of the consolidated city.

24           (6) One (1) member who is:

25               (A) a firefighter employed by the fire department of the  
 26               consolidated city;

27               (B) a member or officer of a local labor union that  
 28               represents firefighters employed by the fire department of  
 29               the consolidated city; and

30               (C) appointed by the local labor union referred to in clause  
 31               (B).

32           (7) One (1) member who is appointed jointly by the executives  
 33           of townships that have a township fire department in the  
 34           county containing a consolidated city. The member appointed  
 35           under this subdivision must be a firefighter employed by a  
 36           township fire department.

37           (b) A member of the advisory board serves a term of four (4)  
 38           years. However, the member ceases to be a member of the advisory  
 39           board if the member ceases to be employed in the position or hold  
 40           the office required for appointment to the advisory board.

41           (c) If a member ceases to be a member of the advisory board,  
 42           the original appointing authority shall appoint an individual to

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1 serve on the advisory board for the balance of the unexpired term  
2 of the member.

3 Sec. 8. (a) A quorum for a meeting of the advisory board is  
4 determined as follows:

5 STEP ONE: Determine the total number of members serving  
6 on the advisory board.

7 STEP TWO: Divide the number determined under STEP  
8 ONE by two (2). If the quotient is not a whole number, round  
9 the quotient down to the nearest whole number.

10 STEP THREE: Add one (1) to the quotient determined under  
11 STEP TWO.

12 (b) The advisory board may not take any final action unless the  
13 number of affirmative votes on the action equals at least the  
14 number of members in a quorum.

15 Sec. 9. (a) The advisory board shall annually elect a chairperson  
16 from the members of the advisory board.

17 (b) The chairperson may be reelected to serve consecutive terms  
18 as chairperson.

19 (c) The advisory board shall meet at the call of the chairperson.

20 Sec. 10. (a) After June 30, 2006, the minimum basic training  
21 established by the education board under IC 36-8-10.5 shall be  
22 conducted at the education center.

23 (b) The advisory board may adopt recommendations for  
24 firefighter standards and education to supplement the minimum  
25 basic training established by the education board under  
26 IC 36-8-10.5. The advisory board shall submit any  
27 recommendations to the safety board for approval. The safety  
28 board may require any supplemental education to be conducted at  
29 the education center.

30 Sec. 11. (a) A fire department must reimburse the education  
31 center for any training costs, including fees and charges for:

32 (1) tuition;

33 (2) lodging;

34 (3) meals;

35 (4) instructors;

36 (5) training materials; and

37 (6) any other necessary items or services.

38 (b) The safety board shall establish the fees and costs charged  
39 to a fire department under this section.

40 SECTION 37. IC 36-3-10 IS ADDED TO THE INDIANA CODE  
41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2006]:



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**Chapter 10. Community Resource Center Transition Board**

**Sec. 1. This chapter applies only to a county containing a consolidated city.**

**Sec. 2. As used in this chapter, "board" refers to the community resource center transition board established by section 3 of this chapter.**

**Sec. 3. The community resource center transition board is established.**

**Sec. 4. (a) The board consists of the following members:**

**(1) The deputy mayor for public and neighborhood affairs of the consolidated city, who shall serve as the board chairperson.**

**(2) The township trustee of each of the nine (9) townships in the county.**

**(3) One (1) member appointed by the president of the city-county council.**

**(4) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.**

**(5) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.**

**(6) One (1) member appointed by the secretary of the Indiana family and social services administration.**

**(b) If a member ceases to be employed in the position or hold the office required for appointment to the board, the member ceases to be a member of the board, and the original appointing authority shall appoint an individual to serve on the board for the remainder of the board's term.**

**Sec. 5. (a) A majority of the members appointed to and serving on the board constitutes a quorum for a meeting of the board.**

**(b) The affirmative vote of a majority of the members appointed to and serving on the board is necessary for the board to take official action.**

**(c) The board shall meet on the call of the chairperson.**

**Sec. 6. Each member of the board who is not an employee of the state or the consolidated city is entitled to a salary per diem equal to the per diem received by a city-county councilor for attendance at council committee meetings.**

**Sec. 7. The board shall do the following:**

**(1) Conduct field studies and audits to determine how best to serve constituents throughout the county after the**

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consolidation, joint performance, or transfer of city, county, and township functions, taking into account the efficiencies that may be achieved.

(2) Identify city and township services that may be provided jointly, and make recommendations concerning the joint location of those services with other federal, state, or local government agencies.

(3) Make recommendations concerning the number and location of community resource centers in the county.

(4) Identify which of the services provided by the township trustees may be located in the community resource centers.

(5) Develop a community education plan to familiarize citizens with the provision of services by various methods throughout the county.

Sec. 8. (a) This chapter expires December 31, 2008.

(b) The city-county council may by resolution extend the term of the board.

SECTION 38. IC 36-4-6-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14.5. An ordinance adopted by the legislative body to enter into an interlocal cooperation agreement under IC 36-1-7 in accordance with IC 36-3-8 is not subject to veto by the executive. The ordinance takes effect when it is adopted.**

SECTION 39. IC 36-6-4-3, AS AMENDED BY P.L.73-2005, SECTION 173, AND AS AMENDED BY P.L.227-2005, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer ~~poor~~ *relief* township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26, **except in a township that is located in a county having a consolidated city as provided in IC 32-26-9.**
- (9) Act as township assessor when required by IC 36-6-5.

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(10) Provide and maintain cemeteries under IC 23-14, **except in a township that is located in a county having a consolidated city.**

(11) Provide fire protection under IC 36-8, *except in a township that:*

(A) *is located in a county having a consolidated city; and*

(B) *consolidated the township's fire department under IC 36-3-1-6.1.*

(12) File an annual personnel report under IC 5-11-13.

(13) Provide and maintain township parks and community centers under IC 36-10, **except in a township that is located in a county having a consolidated city.**

(14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4, **except in a township that is located in a county having a consolidated city.**

(15) Provide insulin to the poor under IC 12-20-16.

(16) Perform other duties prescribed by statute.

SECTION 40. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) **Except as provided in subsection (b),** the assessor shall perform the duties prescribed by statute, including:

(1) assessment duties prescribed by IC 6-1.1; and

(2) administration of the dog tax and dog fund, as prescribed by IC 15-5-9.

**(b) In a township located in a county having a consolidated city, the duties of the township assessor prescribed by IC 15-5-9 are performed by the controller of the consolidated city or the controller's designee.**

SECTION 41. IC 36-6-6-2, AS AMENDED BY P.L.240-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b) and section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

(b) The township board in a county containing a consolidated city shall consist of ~~seven (7)~~ **five (5)** members elected under IC 3-10-2-13 by the voters of each township.

(c) The township board is the township legislative body.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 42. IC 36-8-10.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) **Except as**

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**provided in subsection (b), the training may be conducted at:**

- (1) a location within the political subdivision employing a full-time firefighter;
- (2) the headquarters of the volunteer fire department where a volunteer firefighter is seeking membership; or
- (3) any other facility where the training is offered.

**(b) This subsection applies only to a county containing a consolidated city. After June 30, 2006, the training shall be conducted at the education center (as defined in IC 36-3-9-4).**

~~(b)~~ **(c) The training must be conducted by personnel certified as instructors by the education board.**

SECTION 43. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies to the townships indicated in each section.**

**(b) After December 31, 2006:**

- (1) this chapter does not apply to a township in a county having a consolidated city; and**
- (2) all powers and duties related to parks and recreation of the townships shall be transferred to the consolidated city.**

SECTION 44. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies to all townships: a township.**

**(b) After December 31, 2006:**

- (1) this chapter does not apply to a township in a county having a consolidated city; and**
- (2) all powers and duties related to parks and recreation of the townships shall be transferred to the consolidated city.**

SECTION 45. [EFFECTIVE JANUARY 1, 2007] **(a) All assets, property rights, equipment, records, personnel, and contracts and all else connected with:**

- (1) providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;**
- (2) administering the dog tax and dog fund under IC 15-5-9;**
- (3) performing duties regarding fences under IC 32-26; and**
- (4) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4;**

**by a township in a county having a consolidated city are transferred to the consolidated city on January 1, 2007.**

**(b) Any indebtedness regarding the activities set forth in subsection (a)(1) through (a)(5) that was incurred by a township**

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before January 1, 2007, shall be assumed or defeased by the consolidated city, notwithstanding any other provision of Indiana law requiring completion of certain procedures and approvals for the incurrence of indebtedness; however, the indebtedness (or any part of the indebtedness) may not be assumed by the consolidated city if the assumption would cause the consolidated city to exceed any limitation on the amount of indebtedness that may be incurred by the consolidated city.

(c) The ad valorem property tax levy limits imposed by IC 6-1.1-18.5 do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under subsection (b).

SECTION 46. [EFFECTIVE JULY 1, 2006] (a) For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is increased for a consolidated city by the amount levied in 2006 by each township in the county having a consolidated city for:

(A) providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;

(B) administering the dog tax and dog fund under IC 15-5-9;

(C) performing duties regarding fences under IC 32-26; and

(D) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4; and

(2) is reduced for a township in a county having a consolidated city by the amount levied in 2006 for:

(A) providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;

(B) administering the dog tax and dog fund under IC 15-5-9;

(C) performing duties regarding fences under IC 32-26; and

(D) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.

(b) This SECTION expires January 1, 2008.

SECTION 47. [EFFECTIVE JULY 1, 2006] (a) This SECTION applies only to a township in a county having a consolidated city.

(b) IC 36-6-6-2, as amended by this act, does not affect the term of a township legislative body member that expires on January 1, 2009.

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1       (c) After June 30, 2006, a township legislative body shall adopt  
2       a resolution under IC 36-6-6-2.5, dividing the township into five (5)  
3       legislative body districts in accordance with IC 36-6-6-2, as  
4       amended by this act. A five (5) member township legislative body  
5       shall be elected in accordance with IC 36-6-6-2, as amended by this  
6       act, at the 2008 general election.

7       (d) This SECTION expires January 1, 2009.

8       SECTION 48. An emergency is declared for this act.

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## SENATE MOTION

Madam President: I move that Senators Miller, Merritt, Waltz and Delph be added as coauthors of Senate Bill 1.

YOUNG R MICHAEL

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 COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 25.

Page 17, delete lines 22 through 42.

Page 18, delete lines 1 through 31.

Page 22, delete lines 33 through 42.

Delete pages 23 through 24.

Page 25, delete lines 1 through 19.

Page 31, line 7, after "Sec. 8." insert "(a)".

Page 31, between lines 21 and 22, begin a new paragraph and insert:

**"(b) The board, by an affirmative vote of at least two-thirds (2/3) of the voting members, may determine that the units described in subsection (a) shall jointly perform, by entering into interlocal cooperation agreements under IC 36-1-7, additional functions not listed in subsection (a)."**

Page 34, between lines 28 and 29, begin a new paragraph and insert:

**"SECTION 50. IC 36-3-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:**

**Chapter 10. Community Resource Center Transition Board**

**Sec. 1. This chapter applies only to a county containing a consolidated city.**

**Sec. 2. As used in this chapter, "board" refers to the community resource center transition board established by section 3 of this chapter.**

**Sec. 3. The community resource center transition board is established.**

**Sec. 4. (a) The board consists of the following members:**

**(1) The deputy mayor for public and neighborhood affairs of**

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the consolidated city, who shall serve as the board chairperson.

(2) The township trustee of each of the nine (9) townships in the county.

(3) One (1) member appointed by the president of the city-county council.

(4) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.

(5) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.

(6) One (1) member appointed by the secretary of the Indiana family and social services administration.

(b) If a member ceases to be employed in the position or hold the office required for appointment to the board, the member ceases to be a member of the board, and the original appointing authority shall appoint an individual to serve on the board for the remainder of the board's term.

Sec. 5. (a) A majority of the members appointed to and serving on the board constitutes a quorum for a meeting of the board.

(b) The affirmative vote of a majority of the members appointed to and serving on the board is necessary for the board to take official action.

(c) The board shall meet on the call of the chairperson.

Sec. 6. Each member of the board who is not an employee of the state or the consolidated city is entitled to a salary per diem equal to the per diem received by a city-county councilor for attendance at council committee meetings.

Sec. 7. The board shall do the following:

(1) Conduct field studies and audits to determine how best to serve constituents throughout the county after the consolidation, joint performance, or transfer of city, county, and township functions, taking into account the efficiencies that may be achieved.

(2) Identify city and township services that may be provided jointly, and make recommendations concerning the joint location of those services with other federal, state, or local government agencies.

(3) Make recommendations concerning the number and location of community resource centers in the county.

(4) Identify which of the services provided by the township

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trustees may be located in the community resource centers.

**(5) Develop a community education plan to familiarize citizens with the provision of services by various methods throughout the county.**

**Sec. 8. (a) This chapter expires December 31, 2008.**

**(b) The city-county council may by resolution extend the term of the board."**

Page 36, delete lines 10 through 42.

Delete pages 37 through 47.

Page 48, delete lines 1 through 6.

Page 49, line 2, after ";" insert "**and**".

Page 49, delete line 3.

Page 49, line 4, delete "(5)" and insert "**(4)**".

Page 49, delete line 33.

Page 49, run in lines 32 through 34.

Page 49, line 35, delete "(E)" and insert "**(D)**".

Page 50, delete line 2.

Page 50, run in lines 1 through 3.

Page 50, line 4, delete "(E)" and insert "**(D)**".

Page 50, delete lines 7 through 36.

Page 51, delete lines 7 through 25.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 7, Nays 4.

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